

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNY ALVALLE,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/3/2020

20-CV-4124 (JFK)

18-CR-0455 (JFK)

ORDER TO ANSWER, 28 U.S.C. § 2255

JOHN F. KEENAN, United States District Judge:

The Court, having concluded that the motion brought under 28 U.S.C. § 2255 should not be summarily denied as being without merit, hereby ORDERS that:

The Clerk of Court shall electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this order has been issued.

Within sixty days of the date of this order, the U.S. Attorney's Office shall file an answer or other pleading in response to the motion. Movant shall have thirty days from the date on which Movant is served with Respondent's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

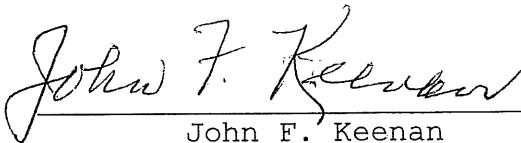
All further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

Movant also submits to the Court an *in forma pauperis* application. (ECF No. 2.) As Movant is not required to pay a filing fee for a § 2255 Motion, *see* Rule 3 of the Rules Governing Section 2255 Proceedings for the United States District Courts Advisory Committee's

Note; *Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996), the Clerk of Court is directed to terminate that application.

SO ORDERED.

Dated: New York, New York
June 3, 2020


John F. Keenan
United States District Judge